REMARKS

With this Response, claims 1, 2, 11, 12, 13 and 15 are amended. Claims 23-25 are added. Claims 18-22 are cancelled. Therefore, claims 1-17 and 23-25 are pending.

EXAMINER INTERVIEW SUMMARY

Applicant wishes to thank the Examiner for accommodating an interview on January 8, 2009. Examiner Bromell, Examiner Alam and Applicant's undersigned representative were in attendance.

Applicant's representative discussed with the Examiners manners in which amendments may be made to clarify portions of the independent claims pertaining to "invalidating" configuration data. An agreement was reached to replace the term "invalidate."

Applicant's representative discussed with the Examiners manners in which claim 11 is distinguishable from the Heath reference relied upon in the §103 rejections. No agreement was reached.

Applicant's representative discussed with the Examiners which amendments may be made to clarify portions of the independent claims in response to the §101 rejections. An agreement was reached to further recite components of a computer system.

CLAIM REJECTIONS - 35 U.S.C. § 101

Claims 1-10 and 18-22 were rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter and for being "software per se."

Applicant has amended claim 1 to clarify there is "a plurality of server nodes communicatively coupled on a network <u>of computer systems</u> to serve applications over the network to a plurality of clients<u>, the computer systems each having a memory and</u> the plurality of server nodes organized as instances, each instance including at least one server process <u>running in one of the computer system memories.</u>

The amended language is supported by paragraph [0029], which describes an embodiment of "hardware configuration" parameters defines a "cache size" and "memory allocation" for a "server." Because the system of claim 1 recites a network of computer systems, each having a memory, Applicant submits the subject matter is statutory under 35 U.S.C. §101.

Applicant has cancelled claims 18-22, rendering the rejection of these claims moot.

On this basis, Applicant traverses the rejection under 35 U.S.C. § 101 and requests removal of this rejection.

CLAIM REJECTIONS - 35 U.S.C. § 103

Claims 1-22 were rejected under 35 U.S.C. § 103(a) as being unpatentable over US Patent No. 5,553,239 to Heath et al. (hereinafter "Heath"), in view of US Publication No. 2002/0161750 to Rajarajan et al. (hereinafter "Rajarajan").

Claims 11-17

Independent claims 11 and 15 have been amended to clarify the relationship between updating a configuration parameter via a property sheet, and determining whether the update renders configuration data on particular servers out of date based on the hierarchical structure of a configuration data object. Applicant has removed claim language pertaining to the logical relationship between the subsets of nodes within the hierarchical configuration data object in view of the claim language reciting the functional role of each of the subsets of nodes in determining whether to update configuration data on a server (dependent claim 12 now recites the logical relationship between the subsets of nodes).

Applicant notes Heath col. 3, lines 65-67 describes an entry manager which controls user access to a communication platform including a host and a plurality of clients while Heath col. 4, lines 1-10 describes how a process server is launched by the entry manager to form a TCP/IP connection with a newly connected client. As such, it is Applicant's position that Heath fails to disclose: 1) configuration data stored on a server node; 2) updating configuration data; 3) a hierarchical data object storing configuration data; or 4) a use of such a data object to determine invalidation of certain configuration data. Therefore, Applicant submits Heath fails to disclose at least the claimed "determining whether to update the configuration data stored on one of the server nodes based on the location of the updated configuration parameter within the hierarchy."

Applicant further submits Rajarajan fails to cure these deficiencies of Heath. Specifically, Applicant is unable to find any disclosure in Rajarajan pertaining to a hierarchical data object storing configuration data or use of such a data object to determine a need to update certain configuration data of a server.

For at least these reasons, Applicant traverses the rejection of claims 11 and 15 on the basis that the combination of references fails to disclose all the elements of the claim. Dependent claims 12-14 and 16-17, incorporating all the limitations of claims 11 and 15,

respectively, are also allowable for at least these same reasons. Applicant therefore requests removal of the 35 U.S.C. § 103 rejection of claims 11-17.

Claims 1-10

Claim 1 has been amended to recite limitations analogous to those of claim 11. Applicant therefore traverses the rejection of independent claim 1 on the same basis as provided for claim 11. Dependent claims 2-10, incorporating all the limitations of claim 1 are therefore also allowable for at least these same reasons. Applicant therefore requests removal of the 35 U.S.C. § 103 rejection of claims 1-10.

Claims 23-25

New independent claim 23, recites a computer readable media storing instructions with claim limitations analogous to those of claim 11. Applicant submits no new subject matter is introduced in new claims 23-25. Clear support is found in paragraph [0053]. Applicant submits new claims 23-25 are allowable for at least the same reasons as claim 11.

The absence of additional patentability arguments should not be construed as either a disclaimer of such arguments or that such arguments are not believed to be meritorious.

<u>CONCLUSION</u>

Applicant respectfully requests examination of the above-identified application in view of the response.

For at least the foregoing reasons, Applicant submits that the rejections of the claims have been overcome herein, placing all pending claims in condition for allowance. Such action is earnestly solicited. The Examiner is respectfully requested to contact the undersigned by telephone if such contact would further the examination of the above-identified application.

The Commissioner is authorized to charge or credit any deficiencies or overpayments in connection with this submission to Deposit Account No. 02-2666, and is requested to notify us of same.

Respectfully submitted,
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